

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DALE ROBERTSON,

Plaintiff,

-against-

JACQUELINE FLUERINORD; ET AL.,

Defendants.

23-CV-4977 (JGK)

ORDER OF SERVICE

JOHN G. KOELTL, United States District Judge:

The plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. § 1983. By order dated June 14, 2023, the Court granted the plaintiff's request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees. On January 5, 2024, the plaintiff filed an amended complaint adding a new defendant.¹ (ECF 24.)

Because the plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow the plaintiff to effect service on Defendant Officer John Theos through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for this defendant. The Clerk of Court is further

¹ The plaintiff named a new defendant after learning that individual's identify in a government response to an order issued under *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997) (holding that a *pro se* litigant is entitled to assistance from the district court in identifying a defendant). (ECF 14.)

instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Officer Theos.

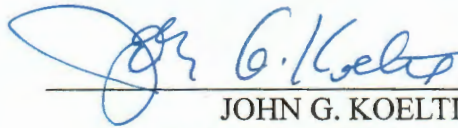
If the complaint is not served within 90 days after the date the summonses are issued, the plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

The plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if the plaintiff fails to do so.

Dated:

New York, New York

1/9/24



JOHN G. KOELTL
United States District Judge

DEFENDANT AND SERVICE ADDRESS

Officer John Theos
Shield No. 9411
84th Precinct
Warrant Section
300 Gold Street
Brooklyn, New York 11201